



Whistle Blowing Policy

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1. Policy statement

- 1.1. The City and County of Swansea is committed to the highest possible standards of openness, moral correctness and accountability. In line with that commitment the Council expects any employee who may have serious concerns about any aspect of the Council's work to come forward and voice those concerns i.e. 'blow the whistle'.
- 1.2. In many cases it is the employees of the Council who are likely to be in the best position to learn of any wrong doing within the Council and to identify whether any particular action or proposal falls below the proper and professional standard which the Council and its customers are entitled to expect.



- 1.3. Individuals who suspect wrongdoing and disclose these concerns can do so without fear of victimisation, subsequent discrimination or disadvantage.
- 1.4. The Council will thoroughly and efficiently investigate any allegation of wrongdoing in order to remedy the situation. In doing this the Council will ensure that such wrongdoing is prevented in future.
- 1.5. Where individuals fail to reasonably report wrongdoing they become complicit (in that wrongdoing) and the Council will regard such failure as a serious disciplinary matter.
- 1.6. This policy intends to cover concerns that fall outside the scope of individual grievances which relate to concerns, problems or complaints about their work, working conditions or relationships with colleagues that they wish to talk about with management.
- 1.7. Disclosing information in an inappropriate way (eg contacting the media) could result in disciplinary action being taken against the employee, which could include dismissal.
- 1.8. The following kinds of actions are usually dealt with under disciplinary proceedings:
 - Bullying
 - Intimidation
 - Discrimination
 - Making false, flippant or malicious allegations

2. Scope

- 2.1. This policy applies to all employees other than those in educational establishments with delegated powers.
- 2.2. This policy also applies to all contractors working for the Council on Council premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example care homes.
- 2.3. The term 'individual' will be used throughout this policy to reflect this.

3. What is whistleblowing?

- 3.1. The official name for whistleblowing is 'making a disclosure in the public interest'.
- 3.2. It means that if an individual believes there is wrongdoing in the workplace (e.g. a criminal offence is being committed) this can be reported by following the correct processes, and employment rights are protected.
- 3.3. Whistleblowers are protected for public interest, to encourage people to speak out if they find malpractice in an organisation or workplace.

- 3.4. Wrongdoing could be improper, illegal or negligent behaviour by anyone in the workplace. Please see [5.4](#) for further information.

4. Protection for blowing the whistle

- 4.1. Individuals are protected as a whistleblower if they:
- believe that malpractice in the workplace may be happening, has happened in the past or will happen in the future
 - are revealing information of the right type (a 'qualifying disclosure')
 - reveal it to the right person, and in the right way (making it a 'protected disclosure')
- 4.2. If an individual decides to “blow the whistle” they will be protected and will not be victimised by the Council for doing so (e.g. by not offering promotion or other opportunities that would have otherwise been offered).
- 4.3. The Council will not tolerate any attempt on the part of an individual, councillor, council contractor or supplier to apply any sanction or detriment to any person who has reported to the Council any serious and genuine concern that they may have about apparent wrongdoing.
- 4.4. The Council will treat such conduct by an employee of the Council as a serious disciplinary matter, and any such conduct by a Councillor is liable to be reported as a breach of the Members Code of Conduct.
- 4.5. Where any such conduct is undertaken by any contractor or supplier of the Council the Council will regard that as a serious breach of contract.
- 4.6. Any such behaviour by any recipient of a Council service will be regarded as a breach of the condition under which that service is provided.
- 4.7. The Council will take steps to minimise any difficulties an employee may experience as a result of raising a concern.

5. Qualifying disclosures

- 5.1. In order to be protected as a whistleblower an individual need's to make a '[qualifying disclosure](#)'. A 'qualifying disclosure' could be a disclosure about:
- criminal offences
 - failure to comply with a legal obligation
 - miscarriages of justice
 - threats to an individual's health and safety
 - damage to the environment
 - a deliberate attempt to cover up any of the above
- 5.2. Although this list is not exhaustive, examples of situations in which it might be appropriate for an individual to report a wrongdoing include:
- a breach, or potential breach, of health and safety legislation

- financial irregularities
- harassment of a colleague, customer or other individual
- damage to the environment
- the commission of a criminal offence.

5.3. Wrongdoing involves any unlawful or illegal behaviour and can include:

- An unlawful act whether civil or criminal;
- Maladministration as defined by Public Services Ombudsman for Wales;
- Breach of any statutory code of practice;
- Breach of or failure to implement or comply with any Procedure Rules or policies determined by the Council;
- Unprofessional conduct or below recognised, established standards of practice;
- Dangerous practice likely to cause physical harm / damage to any person / property;
- Failure to rectify or take reasonable steps to report a matter likely to give rise to a significant and avoidable cost or loss of outcome to the Council or would otherwise prejudice the Council;
- Abuse of power or the use of Council's powers and authority for any unauthorised or ulterior purpose;
- Unfair discrimination in the course of the Council's employment or provision of its services.

5.4. Some disclosures are not qualifying disclosures. An individual will not be protected for whistleblowing if:

- they break the law when making a disclosure (e.g. if the employee has signed the Official Secrets Act)
- the information is protected under legal professional privilege (e.g. if the information was disclosed when someone wanted legal advice)

6. Protected disclosures

6.1. For a disclosure to be protected by the law an individual must:

- make the disclosure in the public interest
- make it through the process prescribed in this policy

7. Confidentiality

7.1. The City and County of Swansea will respect the confidentiality of any whistleblowing complaint received by the Council where the complainant requests confidentiality.

7.2. However it must be appreciated that it will be easier to follow up and to verify complaints if the complainant is prepared to give his or her name and unsupported anonymous complaints and allegations will have to be treated with caution.

8. Time scale

- 8.1. Concerns will be investigated as quickly as possible.
- 8.2. Individuals should be aware that it may be necessary to refer a matter to an external agency and this may result in an extension of the investigative process.
- 8.3. Individuals should also be aware that the seriousness and complexity of any complaint may have an impact upon the time taken to investigate a matter. A designated person will indicate at the outset of the anticipated time scale for investigating the complaint.

9. Actions to be taken if wrongdoing is known or suspected

- 9.1. If an individual knows, or suspects, that some [wrongdoing](#) is occurring within the Council, he or she should **raise the matter immediately with either the Head of Human Resources or alternatively, the Monitoring Officer.**
- 9.2. Social Services provide the lead responsibility for any concerns in respect of the possible abuse of children or adults and should be contacted immediately if any such concerns exist.
- 9.3. Individuals should:
 - Not assume someone else will report it
 - Be clear about what is hearsay and gossip and what is fact
 - Encourage others who have witnessed inappropriate practice to report it themselves.
- 9.4. Anyone with a complaint or concern that does not fall into whistleblowing should try to contact the manager or director responsible for the department which provides the relevant service. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of malpractice.

10. False and Malicious Allegations

- 10.1. The City and County of Swansea is proud of its reputation as a Council with the highest standards of probity. It will therefore ensure that substantial and adequate resources are put into investigating any complaint which it receives.
- 10.2. The Council will view very seriously any allegations which prove not to be substantiated and which prove to have been made maliciously or knowing them to be false.
- 10.3. The Council will regard the making of any deliberately false or malicious allegations by any employee of the Council as a serious disciplinary offence.

11. How will the Council respond

- 11.1. Once any potential wrongdoing is identified Human Resources will immediately take action to investigate the situation. In doing so, every possible step will be taken to maintain the anonymity of the individual who has made the allegation of wrongdoing.
- 11.2. Human Resources will then appoint an Investigating Officer to conduct a disciplinary investigation into the allegation.
- 11.3. Where appropriate, the matters raised may:
 - be investigated by internal audit
 - be referred to the Police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry.
- 11.4. Please refer to the Council's [disciplinary policy](#) for more information.
- 11.5. Within **ten** working days of a concern being raised, Human Resources will write to the individual to:
 - acknowledge that the concern has been received;
 - indicating how he/she proposes to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - whether any initial enquiries have been made;
 - supply information on staff support mechanisms, and
 - whether further investigations will take place and if not, why not.
- 11.6. The amount of contact between the officers considering the issues and the individual will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information about the employee.
- 11.7. The Council accepts that the individual reporting the wrong doing needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the individual will be informed of the outcomes of any investigation.
- 11.8. The Authority will take into account the details of the alleged wrongdoing, publicity, role and duties of the employee and will respond in a proportionate and reasonable manner in considering any action, if any, against the named employee(s).

12. What if I wish to raise my concern outside the council?

- 12.1. We hope that you feel reassured that you can raise concerns safely by using this procedure, and that your concerns will be taken seriously. However, you do have the right to raise concerns externally if you feel that to be

appropriate. We would always prefer you to raise your concerns, if necessary to an appropriate external regulator, rather than remain silent.

- 12.2. **Public Concern at Work** offers a free, confidential advice line which can give you access to advice on how to raise a concern safely and effectively.
- 12.3. The advice line can be contacted on 020 7404 6609 or by emailing whistle@pcaw.co.uk
- 12.4. Some examples of prescribed people and bodies are listed below.
- 12.5. A full list of prescribed people and bodies you can report malpractice to, other than your employer can be found via the gov.uk website:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

The Auditor General for Wales

about the proper conduct of public business; value for money, fraud and corruption in public bodies in Wales.

PIDA Officer

The Auditor General for Wales

24 Cathedral Road

Cardiff CF11 9LJ

Tel: 01244 525980

E-mail: whistleblowing@wao.gov.uk

www.wao.gov.uk/whistleblowers-hotline

Children's Commissioner for Wales

about matters relating to the rights, welfare and interests of children in Wales.

Children's Commissioner for Wales

Oystermouth House

Phoenix Way

Llansamlet

Swansea SA7 9FS

Tel: 01792 765600

Fax: 01792 765601

Email: post@childcomwales.org.uk

www.childcomwales.org.uk

Care Council for Wales

about matters relating to the registration of social care workers in Wales.

Care Council for Wales

South Gate House

Wood Street

Cardiff CF10 1EW

Tel: 0300 30 33 444

info@ccwales.org.uk

ESTYN

Estyn is the office of Her Majesty's Chief Inspector of Education and Training in Wales. Estyn inspects quality and standards in education and training providers in Wales.

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029 2044 6448 (Fax)

For general enquiries:
enquiries@estyn.gov.uk

The Health and Safety Executive

about health or safety of individuals at work or the health and safety of the public that is work-related, in connection with those industries and work activities for which HSE is the enforcing authority.

Health and Safety Executive

Tel: 0300 003 1647

Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm>

www.hse.gov.uk

Public Services Ombudsman for Wales

about breaches by a member or co-opted member of a relevant authority's code of conduct in Wales.

Public Services Ombudsman

1 Ffordd yr Hen Gae

Pencoed CF35 5LJ

Tel: 0300 790 0203

Fax: 01656 641199

Email: ask@ombudsman-wales.org.uk

www.ombudsman-wales.org.uk

13. Policy Monitoring

- 13.1. The Council will monitor the application of this policy and has discretion to review it at any time through the appropriate consultation mechanisms.

- 13.2. Responsibility for the implementation, monitoring and development of this policy lies with the Head of Human Resources. Day to day operation of the policy is the responsibility of nominated officers who will ensure that this policy is adhered to.

Version Number	Details of Change	Date
2.0	New section 12	22 nd April 2015

